

**Notice of Allowability**

Application No.

09/878,454

Examiner

MINH-TAM DAVIS

Applicant(s)

MONTEIRO ET AL.

Art Unit

1642

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 10/28/04.
2. ☒ The allowed claim(s) is/are 12, 27-29, 33, 35, renumbered as 1-6.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 10/28/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with MARIANNE FUIERER on 10/28/04.

The application has been amended as follows:

In the specification.

The cross reference to related applications on page 2 of the specification was updated as follows:

This application claims the benefit from U.S. Provisional Application Serial No. 60/210,939, filed June 12, 2000, now abandoned.

In the claims:

Claims 1-11, 13-26, 30-32, 34, 36 were cancelled.

Claim 12 was amended as follows:

Claim <sup>1</sup>~~12~~. A purified mutant calcium-binding protein consisting of a polypeptide comprising the amino acid sequence as set forth in SEQ ID NO: 2 conservatively substituted at acidic residue 127 or 172.

Claim 27 was amended as follows:

Claim <sup>2</sup>~~27~~. The purified mutant calcium-binding protein according to claim <sup>1</sup>~~12~~,

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wherein said substitution is the substitution of the acidic residue with its amine counterpart.

Claim 28 was amended as follows:

Claim <sup>3</sup>~~28~~. The purified mutant calcium-binding protein according to claim <sup>2</sup>~~27~~, wherein said substitution is at amino acid residue position 127.

Claim 29 was amended as follows:

Claim <sup>4</sup>~~29~~. The purified mutant calcium-binding protein according to claim <sup>3</sup>~~28~~, wherein said substitution is also at amino acid residue 172.

Claim 33 was amended as follows:

Claim <sup>5</sup>~~33~~. A purified mutant calcium-binding protein consisting of a polypeptide comprising the amino acid sequence as set forth in SEQ ID NO: 2 conservatively substituted at acidic residue 172 and wherein said acidic residue is replaced with its amine counterpart.

Claim 35 was amended as follows:

Claim <sup>6</sup>~~35~~. A purified mutant calcium-binding protein consisting of a polypeptide comprising the amino acid sequence as set forth in SEQ ID NO: 2 conservatively substituted at acidic residue 127 and wherein said acidic residue is replaced with its amine counterpart.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 571-272-0830. The examiner can normally be reached on 8:30AM-5:00PM.

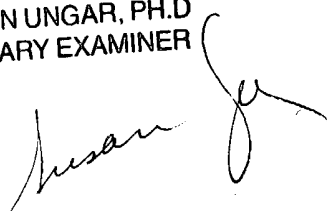
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY SIEW can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SUSAN UNGAR, PH.D  
PRIMARY EXAMINER

MINH TAM DAVIS  
October 06, 2004

A handwritten signature in black ink, appearing to read 'Susan', with a large, stylized flourish extending from the end of the name.